

DIRECT TESTIMONY OF JEFFREY P. RAMIREZ

Q: Will you please state your full name and address for the Administrative Law Judge?

My name is Jeffrey Pascua Ramirez, and my address is 18210 Harbor Point Loop, Eagle River, Alaska 99577.

Q: What is your title and current place of employment?

I am currently employed as Grants and Membership Administrator at Alaska Public Telecommunications, Inc. in Anchorage, Alaska.

Q: When were you employed by the San Francisco Unified School District, and in what capacity?

I was employed by the San Francisco Unified School District (SFUSD) as the General Manager at KALW(FM) (KALW or the Station), San Francisco, California, from August 5, 1996 to January 31, 1998.

Q: Please tell the Administrative Law Judge about your background in public radio, prior to being hired at KALW.

I began my career in public radio in 1988 while earning my bachelor's degree in mass communications at San Diego State University. My first paying job was working as a student employee at KPBS-FM, San Diego, California, which is housed on the campus of, and is licensed to, the State of California through San Diego State University. Initially, I worked in the mail room, but quickly had the opportunity to work in a variety of production capacities. I enjoyed my time at KPBS, and continued working there after graduation.

When I started working there, KPBS's local programming consisted almost entirely of classical music. However, in 1991, in the aftermath of the Persian Gulf War, KPBS decided to change its format to all news and information. In conjunction with this programming change, KPBS decided to institute a local news and information program that aired from 9:00 a.m. to

1 11:00 a.m. on weekdays. The Station promoted me to be the producer of the show, which we
2 ultimately named "These Days." I produced "These Days" from 1991 until the summer of 1996,
3 when I was hired as the General Manager of KALW.
4

5 **Q: What were your responsibilities at KPBS and what did you take from that**
6 **experience?**

7 The opportunity to manage and produce "These Days" from its inception provided me an
8 invaluable education in public radio programming. Through our successes and failures, I grew to
9 understand that the purpose of public radio is not simply to broadcast "good" programs, but to
10 broadcast good programs that also serve the unique needs and interests of the local community.
11 My primary objective as producer was to make "These Days" relevant and meaningful to our
12 listeners in San Diego.

13 Over my tenure as a producer at KPBS, I also had the opportunity to expand my expertise
14 into other areas of the Station's operations. For example, I became heavily involved in the
15 Station's fund drives, both as a producer and as an on-air host. I also worked closely with our
16 student volunteers and employees. As a former student employee myself, I understood that
17 involving students in the Station's operations provided a valuable service to the University and,
18 more importantly, helped the Station generate fresh ideas and energy.
19

20 **Q: How did you come to apply for the job at KALW?**

21 As I indicated in my Deposition, in May of 1996, I attended the annual public radio
22 conference sponsored by National Public Radio in Washington, D.C. **SFUSD Proposed Exhibit**
23 **No. 1** is a true and complete transcript of my deposition, taken on November 9, 2004 (2004
24 Deposition). During the conference, I attended the California public radio annual meeting, where
25 I happened to sit next to Enrique Palacios. At the time, Mr. Palacios was the Special Assistant to
26 the Superintendent for the San Francisco Unified School District and, as we began to talk, he
27 informed me that he was at the conference to recruit a new general manager for KALW. He
28 asked me many questions about my job and experience and my views on public radio more

1 generally. We had a good conversation and Mr. Palacios encouraged me to apply for the general
2 manager position.

3
4 **Q: What was your general impression of KALW prior to meeting Mr. Palacios?**

5 As a result of working in the California public radio community for several years, I knew
6 a little about San Francisco public radio before meeting Mr. Palacios. In regard to KALW, I
7 knew that it was operated by the public school system and I had the impression it was generally
8 considered to be an underperformer for its size, format and market.

9
10 **Q: After talking with Mr. Palacios, what was your initial reaction to the prospect of**
11 **applying for the general manager position?**

12 I knew that the general manager position at KALW would be a tremendous challenge.
13 But I also recognized that it was an exceptional professional opportunity for me. I was excited
14 about being able to apply my programming, production and fundraising experience in a new
15 market.

16
17 **Q: What was the interview process at KALW?**

18 The formal interview process included an interview with Mr. Palacios and an interview
19 with a committee of four or five people in San Francisco. I cannot recall who served on the
20 interview committee, but I do recall that I did not know any of them at the time I interviewed. In
21 addition to the formal interviews, I also prepared a four or five page statement describing my
22 vision for the future of KALW.

23
24 **Q: What were your greatest strengths and weaknesses as a candidate for the general**
25 **manager position?**

26 I think Mr. Palacios and the interview committee believed in the vision I articulated for
27 the future of KALW and they valued my programming experience, creativity and positive energy.

1 Ultimately, I think they believed that these attributes, combined with the level of professionalism
2 I displayed through the interviews, would outweigh any lack of general manager experience.

3 That said, there were aspects of running a radio stations with which I had limited
4 experience -- chief among them being a very limited exposure to the regulatory aspects of an
5 FCC-licensed radio station. I had not been involved in the license renewal at KPBS, nor had I
6 had any involvement with the maintenance of the KPBS public inspection file.

7
8 **Q: Do you think that you were a good choice for the position of general manager?**

9 Yes. KALW had some great programming and a committed and passionate set of
10 volunteers and employees. What the Station needed, however, was someone who could
11 objectively evaluate the services the Station was providing to the community and make objective,
12 informed decisions about how to improve that service. The Station needed a focused and
13 professional general manager, and that is what I was.

14
15 **Q: Tell the Administrative Law Judge about your first few months at KALW. What**
16 **were some of the immediate challenges you needed to address?**

17 My first several months at KALW were extraordinarily busy. When I arrived on
18 August 5, 1996 as General Manager, the Station was at the tail end of many years of operating out
19 of temporary facilities in the aftermath of the earthquake that struck San Francisco in 1989. For
20 the first four to six months that I was General Manager at KALW, we were operating out of the
21 John O'Connell High School gymnasium. My desk sat directly under the basketball hoop. The
22 construction of the Station's new facilities, which were to be located in the former art wing of the
23 John and Sala Burton Academic High School, and subsequent relocation there, took a tremendous
24 amount of my time and attention. Like many aspects of the job, managing the construction
25 project was a new experience for me. I had to learn quickly and rely heavily on the people
26 around me.

1 **Q: Were there other immediate challenges, besides managing the construction of the**
2 **new facilities?**

3 Yes, there were many more. Perhaps the most significant challenges were programming
4 and funding issues that needed my attention. As background to this situation, it is important to
5 understand that in the mid 1990's, the Corporation for Public Broadcasting (CPB) established
6 new criteria for public stations receiving CPB grants. At the heart of these criteria were two
7 indices, the Audience Service Index (measuring the number of listeners that a station serves) and
8 the Community Financial Support Index (measuring donations received from the local
9 community). Both indices are adjusted based on the Station's broadcast strength, community
10 population and programming format. At the time I started at KALW, the Station was at serious
11 risk of falling below the applicable performance levels on both CPB indexes.

12 The CPB indexed performance of KALW was an immediate and extremely serious issue.
13 **SFUSD Proposed Exhibit No. 2** is a true and complete copy of KALW's financial report for the
14 fiscal period ending on June 30, 1997. As pages 3 and 4 of this report demonstrate, the grants
15 received from CPB accounted for approximately \$124,000 of the Station's total direct revenues of
16 \$781,860 in 1997.

17 KALW could not afford to lose this source of revenue. Not only would losing the CPB
18 grants be devastating financially, the negative publicity would have a detrimental impact on the
19 community's support of the Station. Moreover, the CPB indexes are intended to gauge how well
20 stations are serving their local communities. If people are not listening to your programming, and
21 if they are not contributing to your programming, there is a high probability that your station is
22 not providing very good public service.

23
24 **Q: How did you address the problems with the CPB grants?**

25 The first thing I needed to do was to ensure that our programming was responsive to the
26 needs and interests of our community of listeners. It is a nearly self-evident public radio principle
27 that the more responsive your programming is to the needs and interests of your listeners, the
28 more likely they are to listen and, therefore, to support you financially. The challenge, of course,

1 is figuring out what the "needs and interests" of your listeners are. KALW's problem — and it is
2 *a common problem for a station that relies heavily on volunteers* — was that many of the
3 programming decisions made prior to my arrival appeared to be based on the personal preferences
4 of the staff and volunteers. I suppose it is natural to assume that if you like certain programs,
5 others in your community will as well. My responsibility as General Manager, however, was to
6 step back and take a more objective perspective of what programming would most benefit the
7 community.

8 To that end, one of my first acts was to expand the amount of professional audience
9 research conducted by the Station. One aspect of this was to order reports from Radio Research
10 Consortium and Audience Research Analysis, two organizations that produce station-specific
11 performance research based primarily on Arbitron diaries. While audience research estimates are
12 not the only consideration in making programming decisions, they do provide valuable insight
13 and feedback as to how well various KALW programs serve the public.

14
15 **Q: What were some of the programming insights you gained from your professional**
16 **research?**

17 One of the first things that I determined from these audience research reports was that
18 many of the long-running KALW programs, some of which were very popular among the
19 Station's employees and volunteers, were simply not providing a justifiable service to the local
20 community. For example, I recall cutting one British Broadcasting Corporation (BBC) broadcast
21 in particular that was very popular with some of the KALW's volunteers, but was severely
22 underperforming in its timeslot. I also recall that I cut a long-running jazz program in order to
23 avoid duplication with another area public radio station which primarily broadcast jazz music.

24 In contrast to these programs that I discontinued, I concluded that KALW was
25 underutilizing some fantastic locally-produced original programming. For example, the Station
26 produced a 30-minute weekday program called "Open Air" that was the Bay Area's only daily
27 local radio magazine providing coverage of local arts and culture, and that had a tremendous
28 following for that type of programming. This was a unique show that was not duplicated

1 elsewhere and was extraordinarily relevant to our listeners. I moved "Open Air" from 11:30 a.m.
2 to 10:00 a.m. *(the 10:00 a.m. timeslot typically has a higher volume of listeners)* and expanded
3 the show from 30 minutes to one hour. Similarly, I recall expanding the broadcast of a unique
4 local music program called "Tangents" and moved it to a better time slot as well.

5
6 **Q: What other types of programming changes did you implement as a result of your**
7 **research?**

8 I implemented programming changes designed to respond to certain overlapping or
9 redundant programming relative to the other public radio stations in the market. For example
10 National Public Radio's (NPR) "Fresh Air" was broadcast by another public radio station in the
11 Bay Area and KALW in the exact same time slot. "Fresh Air" is an important and popular show
12 and the community was not served well by having it air on two San Francisco stations at the exact
13 same time. So, I moved the broadcast from 1 p.m. to 9 a.m.

14 I also added rush-hour traffic reports and weather reports to KALW's broadcasts. In
15 November 1996, I designed and implemented a new underwriting program for the Station that
16 raised approximately \$50,000 for KALW in its first year of operation.

17
18 **Q: Weather reports, rush-hour traffic reports, and formal underwriting programs were**
19 **new to KALW?**

20 Yes. Weather reports, rush-hour traffic reports, and formal underwriting programs are
21 extremely common at most news and information public radio stations, but not everyone at
22 KALW thought we should have them. Indeed, many of the Station's volunteers felt that these
23 types of programming elements were too reminiscent of commercial stations. Nevertheless, as
24 General Manager, I felt that each of these initiatives were fundamental to helping KALW better
25 serve its community.

1 **Q: What is your overall assessment of the programming at KALW during your tenure**
2 **as General Manager?**

3 I am proud of KALW's programming during my tenure. **SFUSD Proposed Exhibit No.**
4 **3** are true and complete copies of KALW's Program Guides that include the period November 3,
5 1996 to November 3, 1997. Each Program Guide contains daily program information for the
6 upcoming quarter including the title, schedule and a brief description of individual shows. The
7 Program Guides accurately reflect the Station's programming and demonstrate that KALW's
8 broadcasts were responsive to the needs and interests of the local community.

9 In my opinion, most of the programming changes that I made at KALW were critical to
10 the Station's success. Moreover, they were changes that I believe any good general manager
11 would have made. In order to stay relevant, public radio stations must constantly evaluate and
12 reevaluate the service that they are providing to the local community, and programming must be
13 adjusted accordingly.

14
15 **Q: How did the staff and volunteers respond to these changes?**

16 Some were very angry. It seemed as though every change I made, no matter how
17 necessary, was met with strong resistance among a core group of the Station's volunteers. I
18 described my perspective on the volunteers' dissatisfaction in my January 17, 1998 Declaration
19 (1998 Declaration). **SFUSD Proposed Exhibit No. 4 (by stipulation)** is a copy of KALW's
20 Opposition to the Petition to Deny. My 1998 Declaration is attached to the Opposition to the
21 Petition to Deny immediately preceding "Exhibit 1." As I stated at the time I wrote the 1998
22 Declaration, I believe that the participants in GGPR favored a more participatory or "commune-
23 like" management style.

24
25 **Q: How did their reaction make you feel?**

26 I was certainly frustrated by it. Nevertheless, I can sympathize with their feelings on the
27 subject. The men and women who volunteered at KALW were passionate about the Station,
28 about public radio and about the programming that we provided. They volunteered substantial

1 amounts of time to the Station, and I can understand their sense of ownership or entitlement
2 regarding programming decisions. I also understand that such committed people would be
3 resistant to changes initiated by a new, young general manager.
4

5 **Q: Did this general dissatisfaction among some of the volunteers and staff affect your**
6 **job in any way?**

7 As time went on there was an increasing level of tension between myself and many of the
8 people working or volunteering at KALW about programming and management decisions. The
9 cumulative level of hostility and frustration that resulted from the combination of some of my
10 decisions and the continuing efforts of GGPR to gain outright control of the Station ultimately
11 made it very difficult to rely on some of the Station's employees and volunteers.

12 I regret this aspect of my experience at KALW. I worked diligently to improve the
13 Station, and I have a general admiration for people who commit themselves to public radio. Also,
14 as a manager, I hate to admit that I did not entirely trust all of the individuals that worked for the
15 Station. But the reality was that in many instances, I had very little reliable support in completing
16 some essential tasks. Between the programming changes, the construction and the tension with
17 many of the Station's volunteers and some employees, I had to work quickly and make due with
18 the resources that I had available to me.
19

20 **Q: When did the Station receive the license renewal application?**

21 The FCC sent a package to the Station sometime during the first part of 1997 with the
22 instructions and forms for the Station's license renewal, and with notice that such forms were due
23 to be filed by August 1, 1997.
24

25 **Q: What did you do to prepare to complete the renewal application?**

26 As General Manager, I considered it my duty to accurately prepare the renewal
27 application submission, which consisted of FCC Form 303-S (renewal of license), FCC Form 396
28 (Equal Employment Opportunity program) and FCC Form 323-E (noncommercial station

1 ownership report), for signature by the Superintendent of the licensee, SFUSD. I was not an
2 expert in FCC requirements, but I knew that the renewal application was extremely important and
3 I did my very best to learn what I needed to do to complete it accurately. **SFUSD Proposed**
4 **Exhibit No. 5 (by stipulation)** is a copy of the 1997 renewal application package (which also
5 included FCC Form 5072 (change in mailing address) (Renewal Application), which I prepared,
6 forwarded to the Superintendent's Office for signature, and thereafter submitted to the FCC by
7 the August 1, 1997 deadline. Although I did not focus on the signatures at that time, I now note
8 that the Renewal Application forms appear not to have been signed personally by the then
9 SFUSD Superintendent, Waldemar Rojas, but by an individual on his behalf, possibly Linda
10 Davis, then Assistant to the Superintendent.

11 There were several aspects to the renewal application that required me to investigate
12 underlying facts to support the requested certifications. For example, Form 303-S, Section II,
13 Question No. 6 asked for a certification and explanation as to why the grant of the renewal
14 application would not have a significant environmental impact, including exposure to RF
15 radiation. For that explanation, I attached as Attachment 2 to the Form 303-S a copy of a
16 memorandum prepared by the Station's Chief Engineer, Dave Evans, that explained that Dave
17 had consulted with KALW's consulting engineers, had examined the FCC rules and
18 requirements, and had found no significant environmental impact. Form 303-S, Section II,
19 Question No. 5 asked for the disclosure of certain matters involving the licensee, including
20 discrimination claims. I do not recall who authored Exhibit 1 which was filed in response to
21 Question No. 5, but clearly there was some coordination of that response with counsel for
22 SFUSD.

23
24 **Q: The next several questions relate to FCC Form 303-S, Section III, Question No. 2**
25 **(Question 2). This question asks whether the applicant "placed in its public inspection file**
26 **at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and**
27 **73.3527." Do you recall how you answered this question in the renewal application?**

28 I answered the question "Yes."

1 Q: When was the first time you discussed the public inspection file with anyone at
2 KALW?

3 I mentioned earlier that I had to rely on many people to help manage the construction of
4 the new facilities and our transition into them. One of these people was the Station's Chief
5 Engineer, Dave Evans. In preparation for this proceeding, I have reviewed an affidavit signed by
6 Dave that was included with the GGPR "Petition to Deny" the KALW 1997 renewal application.
7 In this affidavit, Dave described a conversation between him and me in August of 1996 in which
8 he informed me of the current status of the public inspection file.

9 I recall that Dave and I were in several meetings together regarding the construction and
10 the relocation of the Station to the new facilities during my first few weeks at the Station. I
11 cannot specifically remember having the conversation with Dave that he references in his
12 affidavit, but it is very possible that he brought this issue to my attention during one of these
13 meetings. In my 1998 Declaration, I discussed the recollections I had of this conversation at the
14 time the 1998 Declaration was prepared. It's worth noting that, according to my 1998
15 Declaration, even then I had only a "vague" recollection of having such a meeting with Dave.
16 According to my 1998 Declaration, Dave was rather hostile during this discussion and did not
17 provide me with enough information about the problems with the PIF for me to fully understand
18 his concern at the time.

19 I know that I was working very hard in those first few months to stay focused on the
20 Station's most pressing challenges. I believe that it is unlikely that I would have completely
21 ignored Dave's concerns, but I also doubt that I would have been very focused on such comments
22 at the time either. I did not understand the significance of the public inspection file at the time,
23 and it seemed like an unusual topic for the Station's engineer to bring to my attention.

24 After reviewing the 1998 Declaration, I also note that it could give the impression that I
25 immediately followed up on Dave's comments by investigating and revising the PIF. If so, I wish
26 to clarify that I did not review the PIF until months later.

1 **Q: So when did you first review the public inspection file?**

2 I did not turn my attention to the PIF until the Station received the Renewal Application
3 from the FCC. After I reviewed the application, I realized that I did not have enough information
4 to answer Question 2, so the first thing I did was to examine the PIF.

5
6 **Q: What was your first reaction when you looked at the PIF?**

7 I recall that the PIF filled an entire file drawer, and was extremely disorganized. It
8 quickly became clear to me that, in its current state, even if I fully understood the Station's PIF
9 obligations, I would not be able to easily identify whether the file was in compliance with the
10 FCC's regulations.

11
12 **Q: Did you make any effort to organize the public inspection file in order to facilitate**
13 **your review?**

14 I recall speaking with one of the Station's volunteers, Susen Hecht, and soliciting some
15 assistance from her. I cannot recall precisely what instructions I gave her, but my recollection is
16 that I expected her to examine the file and put everything in order so that I could review it more
17 efficiently.

18
19 **Q: What assistance did Ms. Hecht provide to you?**

20 I do not believe her efforts ultimately assisted me much at all. First, I should note that
21 Susen Hecht did not do what I asked her to do, and this certainly influenced my overall evaluation
22 of her work. I thought she was going to organize the files, or bring them to my office, or do
23 something to facilitate my review. Instead, after some time Susen Hecht gave me a document
24 that did not look like professional, reliable work. I recall scanning Susen Hecht's work and
25 thinking that it was difficult to review and poorly organized. More importantly, the document
26 appeared to be Susen Hecht's own assessment of what was missing from the file based, I suppose,
27 on what she understood to be required by the FCC rules. In order to prepare a list of what is
28 missing from a file, it seemed to me that one would need to know what belongs in there in the

1 first place. I had no reason to think that Susen Hecht had any particular knowledge about FCC
2 regulations, and I was perplexed about why she had prepared this list at all. This was not the type
3 of task that I would entrust to a volunteer, nor rely upon from a volunteer. At the time, I suppose
4 I chalked it up to some miscommunication between us.

5 I never read Susen Hecht's document closely, nor gave it much consideration at all, until
6 after I saw it attached to GGPR's Petition to Deny. Instead, I conducted and relied upon my own
7 review of the PIF.

8
9 **Q: What did you do to determine what *should* be in the PIF?**

10 First, I reviewed the regulation applicable to noncommercial stations, 47 C.F.R. Section
11 73.3527, because this regulation was directly referenced in Question 2. At that point, I realized
12 that I still did not sufficiently understand what precisely needed to be in the file. For additional
13 guidance, I recall referring to various prepared guidelines on the subject. According to my 1998
14 Declaration I reviewed a counsel memorandum prepared by the National Association of
15 Broadcasters. In addition, at some point I reviewed materials in the NPR Station Manager's
16 Handbook and the Broadcasting and Cable Yearbook, although I cannot recall with certainty
17 which of these sources I reviewed prior to submitting the Renewal Application.

18
19 **Q: Did you consult with counsel during this time?**

20 I sought advice from KALW's then communications counsel, Ernie Sanchez, of the
21 Sanchez Law Firm, prior to completing the Renewal Application. I remember that, for financial
22 reasons, I was careful about the amount of time that I spent talking with Ernie Sanchez. I knew
23 that the Renewal Application was extremely important, however, so I decided to get a legal
24 assessment of whether I was proceeding with the application appropriately. I cannot remember
25 precisely what I asked Ernie Sanchez, but I do recall that, whatever discussion we had, I ended
26 the conversation feeling more secure that I was acting appropriately in responding to the
27 questions on the Renewal Application.

1 After reviewing the public inspection file, the FCC public inspection file regulation, the
2 industry guidelines and talking with counsel, I believed that I had done all that I reasonably could
3 do to complete the Renewal Application on this point accurately.

4
5 **Q: What did you do next?**

6 At that time, I believed that the one aspect of the file that needed improvement was the
7 issues/programs list. I cannot recall precisely what issues/programs list or lists were in the
8 KALW public inspection file when I first reviewed it or at the time I submitted the Renewal
9 Application. However, I do generally recall asking various producers to put together lists of
10 programs that demonstrated the Station's treatment of community issues prior to submitting the
11 Renewal Application.

12 I cannot recall precisely who I spoke to about this, with the exception of John Covell. I
13 remember asking John Covell for his help because the program that he produced for the Station,
14 "City Visions" addressed many issues of direct concern to the community, and thus would be an
15 excellent source for representative programming that was responsive to community issues.
16 Furthermore, John was extremely professional and reliable, and I believed that he would follow-
17 through with any task I gave him. A copy of pages 5-7 of the list of City Visions programs
18 prepared by John Covell is attached to the GGPR Petition to Deny and labeled as "Exhibit O"
19 (included in **EB Proposed Exhibit No. 5**).

20
21 **Q: How did you reach the decision to answer Question 2 of the Renewal Application**
22 **"Yes?"**

23 As I stated in paragraph 12 of my 1998 Declaration, at the time I prepared the Renewal
24 Application, I believed that the City Visions list alone was sufficient to satisfy the
25 issues/programs list requirements for my tenure at the Station. I realize now, of course, that there
26 are several defects in this list, including the fact that it does not specify the community issues
27 addressed by each program, that it does not go back to the start of the license term in 1991 and
28 that, having been prepared just prior to the completion of the renewal application, it did not

1 satisfy the requirement that such lists be placed in the public inspection file by the 10th day
2 following each calendar quarter during the license term.

3 I should emphasize, however, that I was completely candid with the FCC in my 1998
4 Declaration about the fact that the City Visions list is what I relied on to determine that the
5 issues/programs lists in the public inspection file were sufficient when I prepared the Renewal
6 Application certification. I cannot recall whether there were additional program lists in the PIF at
7 that time; in any event, in paragraph twelve of my 1998 Declaration, I identified the City Visions
8 list as my basis for concluding that KALW had met its obligations in regard to issues/programs
9 lists when I answered "Yes" to Question 2.

10 Likewise, as I explained in paragraph 11 of my 1998 Declaration, I understood at the time
11 the renewal application was filed that the completion and filing of the 1997 Ownership Report
12 that was attached to the Renewal Application was all that was needed to meet the FCC's
13 ownership report requirements.

14
15 **Q: Do you presently believe that you answered Question 2 correctly?**

16 No. I understand now that I answered Question No. 2 incorrectly. As I stated at my 2004
17 Deposition, I did not understand at the time I completed the Renewal Application that if the
18 Station had not added issues/programs lists to the public inspection file each quarter during the
19 license term, then I was obligated to answer Question 2 "No." At the time I completed the
20 Renewal Application, I also believed that it was sufficient to ensure that something was in the
21 public inspection file at the time I completed the application that demonstrated to the public that
22 the Station was, in fact, responsive to issues facing the community. Similarly, regarding
23 ownership reports, I believed that I was only required to include in the public inspection file the
24 1997 Ownership Report and was unaware until later that there needed to be interim ownership
25 reports prepared in 1993 and 1995.

26 If I had it to do over again, knowing what I know now, I would have answered Question 2
27 "No," and I would have submitted a detailed explanation about what I believed was missing from
28 the file or was untimely filed and what I believed the circumstances to be that led to the state of

1 the file. Thus, the 1997 "Yes" certification in response to Question 2 was inaccurate; however,
2 *because I did not understand at the time the inaccuracy of the "Yes" certification, there was no*
3 intentional misrepresentation. It was a mistake, a mistake I did not hide in my 1998 Declaration,
4 and which I regret for the difficulties it has caused SFUSD and the FCC.

5
6 **Q: When did you first learn about GGPR's complaints regarding the Renewal**
7 **Application?**

8 I do not recall ever hearing of GGPR prior to reviewing the October 1, 1997 letter to Ernie
9 Sanchez from Berchenko & Korn, attorneys for GGPR (Berchenko Letter). (The Berchenko
10 Letter, not including the attachment, is at Exhibit 8 to the Opposition to Petition to Deny.) I was
11 shocked to learn that many of the members or supporters of GGPR were actually Station
12 volunteers and staff. I knew that some were upset about the programming changes I had made,
13 but I could not believe that they would go as far as they ultimately did. In any event, the
14 Berchenko Letter informed Ernie Sanchez that GGPR planned to file a petition to deny the
15 Renewal Application unless SFUSD opened negotiations with GGPR regarding a transfer of
16 control of the Station to GGPR, and referenced an attached list of 28 reasons that would form the
17 basis for a petition to deny the Station's renewal.

18
19 **Q: How did you come to possess the list to the Berchenko Letter?**

20 I believe that Ernie Sanchez provided it to me. **SFUSD Proposed Exhibit No. 6 (by**
21 **stipulation)** is a true and correct copy of a memorandum with attachments from myself to Ernie
22 Sanchez dated October 4, 1997 (October 4 Memorandum). My October 4 Memorandum attaches
23 a list entitled "BASIS FOR A PETITION TO DENY KALW'S LICENSE RENEWAL," with a
24 28-item listing of asserted reasons for denial, and excerpts from the NPR Station Manager's
25 Handbook. I believe this 28-item list was the list originally attached to the Berchenko Letter. I
26 understand that the October 4 Memorandum was recently discovered misfiled among the
27 Renewal Application pleadings that had been placed in the KALW public inspection file and I did
28 not review this document or the attached list in preparation for my 2004 Deposition.

1 **Q: What did you do once you reviewed the list to the Berchenko Letter?**

2 It is clear to me that, shortly after Ernie Sanchez received the Berchenko Letter, he asked
3 me to review the list of GGPR's alleged reasons that could form the basis for denial of the
4 KALW license renewal and to provide him with my responses. In my October 4 Memorandum, I
5 provided my responses to the three questions suggested by Ernie Sanchez: "Is it right? Is it
6 required? Does it matter?" Specifically, as relevant here, while it is difficult to read the type, I
7 believe Item No. 2 of the 28-item list states:

8
9 (1)b—Have the applicant's Ownership Reports as required by 73.3615 been filed with the
10 Commission?—stated YES.

11 → Supplemental Ownership Reports (323-E), since January 1991, are not in the
12 station's public file and may not have been filed with the commission. The
13 membership of the Board of Education has changed frequently since that time.

14
15 I believe Item No. 3 of the 28-item list states:

16
17 2—Has the applicant placed in the public inspection file at the appropriate time the
18 documentation required by Section 73.3527?—stated YES.

19 → Quarterly issues programs lists not in file after 9/91. A simple list of topics, from
20 6/5/95 to 7/7/97, was placed in the file in late July for the purposes of license
21 renewal.

22
23 In my October 4 Memorandum to Ernie Sanchez, my responses to his three-pronged test
24 for items nos. 2 and 3 are "Yes. Yes. Yes. Will correct with explanation." What I believe I
25 meant by this is that for Items Nos. 2 and 3 on the GGPR list of reasons for denial, that GGPR's
26 contentions were "right," that the items were "required" for the Renewal Application, that the
27 items "mattered" to the FCC (as opposed to being an issue outside the FCC's area of interest,
28 such as civil service), and that we should correct the application with an explanation.

1 **Q: What was your understanding of the reason Mr. Sanchez asked you to evaluate the**
2 **GGPR list as reflected in your October 4 Memorandum?**

3 I am not, and was not in 1997, an attorney, even though Ernie Sanchez appeared to be
4 asking me legal questions. My responses were not meant to constitute legal conclusions, but to
5 assist Ernie Sanchez in his evaluation of the list of complaints received from GGPR.
6

7 **Q: Do you recall what Mr. Sanchez did in response to your comments in the October 4,**
8 **1997 memorandum?**

9 I do not recall whether Ernie Sanchez agreed with my assessment that GGPR was correct
10 that the public inspection file was deficient relating to issues/programs lists and ownership
11 reports, whether he disagreed, or whether he gave any consideration to my memorandum at all.
12 At that point, I suspected that the Station was headed towards a complex legal battle. Moreover, I
13 recognized that this was an extremely important matter for SFUSD and we needed professional
14 legal counsel and leadership. At that point, and from then until I left the Station at the end of
15 January 1998, I viewed the GGPR complaints as a legal matter, and I expected that SFUSD's
16 lawyer would use the information that I provided to him to take appropriate action. Specifically, I
17 would have relied on Ernie Sanchez to make sure that the "correct[ions] with explanation" were
18 made to the FCC in the appropriate manner.
19

20 **Q: Did you take any further action with regard to the public inspection file after you**
21 **gave Mr. Sanchez your assessment?**

22 I do recollect undertaking corrective action regarding the GGPR complaint that ownership
23 reports to reflect interim board changes should be prepared. I made sure that the 1993 and 1995
24 Ownership Reports were compiled and added to the PIF. These reports were signed and dated in
25 December 1997. **SFUSD Proposed Exhibit No. 7** is a true and complete copy of the 1993 and
26 1995 ownership reports that I had compiled at that time. I took no other action. After the GGPR
27 Petition to Deny had been filed, I believed that it was best to let our lawyer handle our actions
28 relative to the response to the Petition to Deny and the Renewal Application from that point on.

1 **Q: Describe the circumstances under which you left KALW.**

2 My last day of work at KALW was January 31, 1998, eleven days after our attorneys
3 submitted SFUSD's Opposition to the Petition to Deny. To be honest, at the time I left, I was
4 tired, frustrated, hurt, and more than a little angry. This was an incredibly stressful experience for
5 me, and I knew that I could find alternative employment in a more positive environment. What
6 made the conflicts so difficult was that I knew that I made good decisions at KALW; I improved
7 programming, increased community support, and generally operated the Station in a manner that
8 was consistent with best practices for stations of this type. Prior to my last day at KALW, I
9 provided Mr. Palacios with a report that summarizes what I believe to be my greatest
10 accomplishments at KALW during my tenure. **SFUSD Proposed Exhibit No. 8** is a true and
11 complete copy of this report.

12 I regret that my mistake in completing the 1997 renewal application is at the root of
13 today's proceeding. However, I do believe that I did my best, within the relevant time and
14 resource constraints, to understand KALW's public inspection file obligations, to answer the
15 Renewal Application questions in good faith, and to provide legal counsel with the information
16 needed to respond to GGPR's complaints.

17
18 **Q: Aside from the matters that led to this proceeding, had KALW been the subject of**
19 **any notices of violation, notices of apparent liability or forfeiture orders for violation of**
20 **FCC rules during your tenure as General Manager?**

21 No.

22
23 **Q: Finally, describe your work experience since you left KALW.**

24 From the time I left KALW in 1998 until a couple of months ago, I worked at CPB as
25 Manager of Radio Projects and Programming (Project Officer). In that capacity, I helped manage
26 grant programs that help provide funding for national radio programs. CPB was eager to hire me
27 when I notified them that I was considering leaving KALW. I believe that many people at CPB
28

1 recognized and appreciated the changes that I made at KALW and understood why I wanted to
2 leave at that point.

3 After over seven years at CPB, I was ready for a new challenge, and I am excited about
4 my current position in Alaska.
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1 I declare under penalty of perjury that the foregoing is true and correct.
2
3

4 Jeffrey P. Ramirez
5 Jeffrey Pascua Ramirez
6
7

8 Executed this 2 day of ^{May}~~April~~, 2005.
9
10
11
12

13 Federal Communications Commission
14 Docket No. 04-191 Exhibit No. 1T
15 Presented by SFUSD
16 Disposition { Identified 5/26/05
17 { Received 5/26/05
18 { Rejected _____
19 Reporter Erik Studnick
20 Date 5-26-05
21
22
23
24
25
26
27
28